

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

EDDIE RIVERA,

Plaintiff,

v.

EDWARD GOLLA *et al.*,

Defendants.

Case No. C07-5281RJB

ORDER DENYING PLAINTIFF'S  
REQUEST FOR APPOINTMENT  
OF COUNSEL

This Civil Rights action has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. § 636(b)(1)(B). Before the court is plaintiff's motion for appointment of counsel (Dkt. # 24). A number of motions are set for the September 28, 2007, calendar. This is the only motion that is ripe for consideration today.

This is the second attempt by plaintiff to have the court appoint counsel. See, (Dkt # 15). This motion is denied for the same reasons as the first motion. There is no right to have counsel appointed in cases brought under 42 U.S.C. § 1983. Although the court, under 28 U.S.C. § 1915(e), can request counsel to represent a party proceeding *in forma pauperis*, the court may do so only in exceptional circumstances. Wilborn v. Escalderon, 789 F.2d 1328, 1331 (9th Cir. 1986); Franklin v. Murphy, 745 F.2d 1221, 1236 (9th Cir. 1984); Aldabe v. Aldabe, 616 F.2d 1089 (9th Cir. 1980). A finding of exceptional circumstances requires an evaluation of both the likelihood of success on the merits and the ability of the plaintiff to articulate his claims *pro se* in light of the complexity of the legal issues involved. Wilborn, 789

1 F.2d at 1331.

2 Plaintiff has demonstrated an adequate ability to articulate his claims *pro se*. Moreover, it appears  
3 that this case does not involve exceptional circumstances which warrant appointment of counsel.

4 Accordingly, plaintiff's request for help in obtaining counsel is **DENIED**.

5 The clerk is directed to send a copy of this order to plaintiff and to counsel for the defendants.

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7 DATED this 24 day of September, 2007.

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9 /S/ J. Kelley Arnold  
10 J. Kelley Arnold  
11 United States Magistrate Judge  
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